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8 **UNITED STATES DISTRICT COURT**  
9 **DISTRICT OF NEVADA**

Case No. 3:23-cv-00441-MMD-CLB

10 ALICIA UTTER,

11 Plaintiff,

12 v.

13 THE UNITED STATES OF AMERICA,

14 Defendant.  
15

**Order Granting Stipulation and Order  
to Bifurcate Trial**

16  
17 Plaintiff, Alicia Utter, by and through her attorney of record, John B. Greene, Esq.  
18 of the law firm Golightly & Vannah, PLLC, and Defendant, United States of America, by  
19 and through Assistant United States Attorney R. Thomas Colonna, hereby stipulate to  
20 bifurcate the trial in this case, pursuant to Fed. R. Civ. P. 42(b), into two phases — liability  
21 and damages. This Stipulation is based upon the following:

22 **1. Brief Factual Summary of Case and Underlying Incident:** This case  
23 involves a negligence action against the United States under the Federal Tort Claims Act,  
24 28 U.S.C. § 2671 *et seq.*, arising out of an August 9, 2021 motor vehicle accident. Plaintiff  
25 Alicia Utter (“Plaintiff”) alleges Amor Cabral, an employee of the United States Postal  
26 Service, operating a 1988 white Grumman Allied mail delivery vehicle “failed to use due  
27 care, began backing the mail delivery vehicle without observing his surroundings, including  
28 Plaintiff’s vehicle occupied by Plaintiff, and caused Defendant’s mail delivery vehicle to

1 collide with Plaintiff, which then caused Plaintiff's vehicle to slide three feet across the  
2 pavement" causing property damage to Plaintiff's vehicle (the "Incident") and injuries to  
3 the Plaintiff (ECF No. 1 at ¶¶ 11 – 13, 15). Plaintiff seeks money damages for the Incident  
4 (ECF No. 1 at Demand for Judgment). Defendant denies and contests: (1) the Incident  
5 itself; (2) liability; and (3) all allegations associated to the Incident and liability (ECF No.  
6 9).

7       **2. Authority to Bifurcate:** Fed. R. Civ. P. 42(b) permits bifurcation of trial "for  
8 convenience, to avoid prejudice, or to expedite and economize." Fed. R. Civ. P. 42(b).  
9 Courts accordingly may order a separate trial of one or more issues, claims, crossclaims,  
10 counterclaims, or third-party claims. *Id.* For example, "[i]t is clear that Rule 42(b) gives  
11 courts the authority to separate trials into liability and damage phases." *Estate of Diaz v. City*  
12 *of Anaheim*, 840 F.3d 592, 601 (9th Cir. 2016) (quoting *De Anda v. City of Long Beach*, 7 F.3d  
13 1418, 1421 (9th Cir. 1993)). The decision to bifurcate is within the court's discretion. *Hirst*  
14 *v. Gertzen*, 676 F.2d 1252, 1261 (9th Cir. 1982).

15       **3. Justification to Bifurcate:** A finding of liability against Plaintiff could  
16 resolve the entire case without any need to address damages. *Cook v. United Serv. Auto.*  
17 *Ass'n.*, 169 F.R.D. 359, 361 (D. Nev. 1996) (explaining that bifurcation is particularly  
18 appropriate "when resolution of a single claim or issue could be dispositive of the entire  
19 case" (citing 9 Wright & Miller, Federal Practice and Procedure: Civil 2d, § 2388, p. 476  
20 (1994))). Bifurcation could therefore save the parties significant funds in calling experts on  
21 damages and medical treatment, while creating the potential for resolution through a  
22 shorter trial process. As most of the evidence on damages do not appear essential to  
23 establishing what happened before and during the Incident, it is unlikely that there will be  
24 duplicative presentation of evidence if bifurcation occurred. Further, evidence on the extent  
25 of Plaintiff's claimed injuries is not essential to proving liability with her negligence claim.  
26 Finally, bifurcation avoids potentially unnecessary costs while effectively and efficiently  
27 resolving factual and legal issues.

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1           **4. Terms of Bifurcation:**

- 2           a. Trial is currently set on Tuesday, April 8, 2025 at 9:00 a.m. ECF No.  
3           25.
- 4           b. The parties request that trial be bifurcated into two phases — liability  
5           and damages.
- 6           c. The parties anticipate that liability determination will be completed in  
7           one day.

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9           Respectfully submitted this 12th day of February 2025.

10           GOLIGHTLY & VANNAH, PLLC

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12           /s/ John B. Greene  
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18  
19           **IT IS SO ORDERED.**

20           

21           UNITED STATES DISTRICT COURT JUDGE

22           DATED: February 13, 2025